

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY MAY 2, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 912

Introduced by Assembly Member Gordon

February 17, 2011

An act to amend Section 57077 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 912, as amended, Gordon. Local government: organization.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires a local agency formation commission, where the commission is considering a change of organization that consists of a dissolution, disincorporation, incorporation, establishment of a subsidiary district, consolidation, or merger, to either order a change of organization subject to confirmation of the voters, as specified, or order the change of organization without an election if the change of organization meets certain requirements.

This bill would authorize the commission, where the commission is considering a change of organization that consists of the dissolution of a district ~~recommended for dissolution by~~ *that is consistent with* a prior action of the commission, to immediately order the dissolution if the dissolution was initiated by the district board, or ~~to, within 60 days following the application being deemed complete by the commission,~~ *if the dissolution was initiated by an affected local agency, by the commission, or by petition*, hold at least one noticed public hearing on

the proposal, and order the dissolution without an election, unless a majority protest exists, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 57077 of the Government Code is
2 amended to read:

3 57077. (a) If a change of organization consists of a dissolution,
4 disincorporation, incorporation, establishment of a subsidiary
5 district, consolidation, or merger, the commission shall do either
6 of the following:

7 (1) Order the change of organization subject to confirmation of
8 the voters, or in the case of a landowner-voter district, subject to
9 confirmation by the landowners, unless otherwise stated in the
10 formation provisions of the enabling statute of the district or
11 otherwise authorized pursuant to Section 56854.

12 (2) Order the change of organization without election if it is a
13 change of organization that meets the requirements of Section
14 56854, 57081, 57102, or 57107; otherwise, the commission shall
15 take the action specified in paragraph (1).

16 (b) ~~If Notwithstanding subdivision (a) or Section 57102, if a~~
17 ~~change of organization consists of the dissolution of a district~~
18 ~~recommended for dissolution by a prior action of the commission~~
19 ~~that is consistent with a prior action of the commission pursuant~~
20 ~~to Section 56378, 56425, or 56430, the commission may do either~~
21 ~~of the following:~~

22 (1) If the dissolution ~~was~~ is initiated by the district board,
23 immediately order the dissolution *without an election or protest*
24 *proceeding pursuant to this part.*

25 ~~(2) Within 60 days following the application being deemed~~
26 ~~complete by the commission, hold at least one noticed public~~
27 ~~hearing on the proposal. Following the conclusion of the hearing,~~
28 ~~the commission may order the dissolution without an election,~~
29 ~~unless a majority protest exists, pursuant to Section 57078.~~

30 (2) *If the dissolution is initiated by an affected local agency, by*
31 *the commission pursuant to Section 56375, or by petition pursuant*
32 *to Section 56650, order the dissolution after holding at least one*
33 *noticed public hearing, and after conducting protest proceedings*

1 *in accordance with this part. Notwithstanding any other law, the*
2 *commission shall terminate proceedings if a majority protest exists*
3 *in accordance with Section 57078. If a majority protest is not found*
4 *the commission shall order the dissolution without an election.*

5 (c) If a reorganization consists of one or more dissolutions,
6 incorporations, formations, disincorporations, mergers,
7 establishments of subsidiary districts, consolidations, or any
8 combination of those proposals, the commission shall do either of
9 the following:

10 (1) Order the reorganization subject to confirmation of the
11 voters, or in the case of landowner-voter districts, subject to
12 confirmation by the landowners, unless otherwise authorized
13 pursuant to Section 56854.

14 (2) Order the reorganization without election if it is a
15 reorganization that meets the requirements of Section 56853.5,
16 56853.6, 56854, 57081, 57102, 57107, or 57111; otherwise, the
17 commission shall take the action specified in paragraph (1).